



Commonwealth of Massachusetts
Massachusetts Developmental Disabilities Council

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**Testimony of Lydia Brown
To the Joint Committee on the Judiciary
24 June 2015
H.1370**

Good Afternoon Chairman Brownsberger, Chairman Fernandes, and Committee Members,

Thank you for giving me the opportunity to address you on H1370, An Act prohibiting discrimination against adults with disabilities in family and juvenile court proceedings. My name is Lydia Brown and I am a Council Member of the Massachusetts Developmental Disabilities Council. The Council is federally mandated to educate policy makers on both the state and federal level about the intent of legislation and its impact on people with developmental disabilities. In addition, the Council works to improve the system of supports for individuals with developmental disabilities and their families by bringing together lawmakers with advocates to make sure people with developmental disabilities are included in decisions about public policy.

As a longtime disabled advocate working with many people with disabilities, I have come to know of many situations in which disabled people are presumed inherently unfit to be parents simply due to their disabilities. Prejudices against parents with disabilities impact all people with disabilities – little people, blind people, deaf people, and those with other physical disabilities are presumed physically incapable of being able to raise children; people with intellectual, cognitive, and developmental disabilities are presumed mentally incapable of being able to raise children; people with psychiatric disabilities are presumptively considered unstable and therefore potentially abusive or neglectful.

These discriminatory attitudes surface everywhere. There are small things, like the seemingly innocuous remark that a fiction story was unrealistic because it portrayed an autistic man as responsible for his niece's childcare. More horrifying, there are much larger things, like the panicked phone call I received last year from an autistic woman who told me her newborn infant was being taken away from her because hospital staff had learned about her disabilities.



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All children deserve safe childhoods free of abuse and neglect, with access to education, healthcare, and opportunities to express personal interests, engage in activities of their own choosing, and develop political, spiritual, and social identities for themselves. The idea that a person with a disability is automatically disqualified from parenthood by virtue of their disability is nonsensical. People with disabilities may neglect or abuse their children, but so may people without disabilities. There is no correlation or causal relationship. Nevertheless, beliefs about the relationships between disability and incapacity, incompetence, and violence continue to unfairly influence decisions made about both parental and children's rights. Under current policies and practices that do not specify protections for people with disabilities, we are systematically deprived of the ability to exercise the same rights and responsibilities in the realms of sexual intimacy, marriage, childbearing, parenting, and building families as people without disabilities.

I support H1370 because it affirms the principles underlying disability rights advocacy work—access, equality of opportunity, and full participation in all parts of society for people with disabilities. I am closely acquainted with many happy and thriving families where one or both parents have any of various disabilities. We deserve the same protections under the law as those enjoyed by people without disabilities, and I encourage the committee to support passage of this bill, which establishes the same standard of justice for those with and without disabilities involved in any family or juvenile court proceedings that may impact parental or children's rights.

In summary, the Massachusetts Developmental Disabilities Council believes that H1370 will have an immeasurably positive impact on people with disabilities if it is passed. We appreciate the opportunity to educate Committee members about the bill and welcome the opportunity to schedule a follow-up meeting with members if additional questions arise.

Sincerely,

Lydia Brown